



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 14, 1998

Mr. Frank M. Crull
Assistant General Counsel
Texas Department of Public Safety
P.O. Box 4087
Austin, Texas 78773-0001

OR98-2430

Dear Mr. Crull:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your requests were assigned ID#s 120447 and 120449.

The Texas Department of Public Safety (the "department") received the following two separate requests for information: (1) notes or other written or recorded record of a meeting between members of the governor's staff and Howard Siegal, and (2) copies of a memorandum written by Howard Siegel and provided to members of the governor's staff. You submitted to this office for review documents that you indicate are responsive to both of the requests. You assert that section 552.108 protects these documents from disclosure.¹

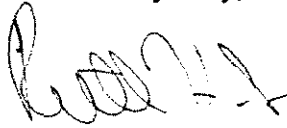
Section 552.108(a)(1) provides an exception from disclosure for information that is held by a law enforcement agency or prosecutor and that deals with the detection, investigation, or prosecution of crime, when release of such information would interfere with the detection, investigation, or prosecution of crime. You state that the records at issue were forwarded to the department from the governor's office, and that they pertain to an ongoing criminal investigation being conducted by the department. We have reviewed the documents and your argument and agree that the department has shown that releasing these documents during the ongoing criminal investigation would interfere with the investigation or prosecution of crime. Open Records Decision No. 216 at 3 (1978) (release of information during pending criminal case would interfere with prosecution of crime and law enforcement interests). Therefore, the submitted records may be withheld from disclosure under section 552.108.²

¹We note that one of the requests reflects that a request for the same information was also sent to the governor's office. The scope of this letter ruling is limited to the two requests submitted to the department and to the submitted documents which the department contends are protected from disclosure under section 552.108.

²We note that the department also has the discretion to release all or part of the information at issue that is not otherwise confidential by law. Gov't Code § 552.007.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref: ID# 120447, 120449

Enclosures: Submitted documents

cc: Mr. Craig Flournoy
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